



#6

DAC #

PATENTS  
CF-51

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## PATENT APPLICATION

Applicants : Gilbert et al.  
Application No. : 10/040,837 Confirmation No. : 2702  
Filed : January 7, 2002  
For : METHODS AND SYSTEMS FOR PROVIDING  
CROSSING MARKETS  
Group Art Unit : 2161

New York, New York 10020  
April 4, 2003

Box DAC  
Hon. Commissioner for Patents  
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. § 1.137(b,f) FOR REVIVAL  
OF UNINTENTIONALLY ABANDONED PATENT APPLICATION

Sir:

Pursuant to 37 C.F.R. § 1.137(b,f), applicants hereby petition for revival of the above-identified patent application, which may have become abandoned because the above-identified patent application was filed in another country that requires publication of applications eighteen months after filing and applicants unintentionally may have failed to notify the Patent and Trademark Office of that foreign filing within forty-five days thereof.

37 C.F.R. § 1.137(b)(1)

This petition is accompanied by a notification under 37 C.F.R. § 1.213(c) that the above-identified patent application was filed in another country that requires publication of applications eighteen months after filing.

04/10/2003 RWOXDAF1 00000099 10040837

01 FC:1453

1300.00 OP

RECEIVED

APR 10 2003

OFFICE OF PETITIONS

37 C.F.R. § 1.137(b)(2)

A check in the amount of \$1,300.00, in payment of the petition fee set forth in 37 C.F.R. § 1.17(m), is enclosed herewith. The Director is hereby authorized to charge any additional fee that may be due, or to credit any overpayment, in connection with this Petition, to Deposit Account No. 06-1075. A duplicate copy of this Petition is enclosed herewith.

37 C.F.R. § 1.137(b)(3)

Any delay in notifying the Patent and Trademark Office that the above-identified patent application was filed in another country that requires publication of applications eighteen months after filing, including the delay in filing this petition, was unintentional.

Applicants filed a Rescission Under 37 C.F.R. § 1.213(b) Of Nonpublication Request on December 16, 2002, prior to the earliest foreign filing (December 30, 2002) of the above-identified patent application. The Rescission was filed in a format based on the original Patent and Trademark Office form for such rescissions, which did not include a notification that foreign filing had occurred (and indeed, at the time of filing the rescission, foreign filing had not yet occurred).

Applicants understood, based on the original Patent and Trademark Office form, that filing of the rescission met the requirement for notifying the Patent and Trademark Office that foreign filing had occurred.

The undersigned learned on March 31, 2003 that the Patent and Trademark Office had changed its form for rescission of a nonpublication request to include an explicit notification of foreign filing, and that under the Patent and Trademark Office's current interpretation of 37 C.F.R. § 1.213(c), the mere rescission of a nonpublication request does not satisfy the requirement that the Patent and Trademark Office be notified that an application in which a nonpublication request had been filed

has been filed in a foreign country that publishes applications after eighteen months. In view of that interpretation, applicants in an abundance of caution have prepared and are filing this Petition immediately.

Request for Retroactive Effect

Applicants further respectfully request that revival of the above-identified patent application be granted retroactively to February 13, 2003, the date that is forty-five days after the earliest foreign filing.

Conclusion

Prompt grant of this petition is respectfully requested.

I hereby certify that this  
correspondence is being deposited  
with the United States Postal Service  
as first class mail in an envelope  
addressed to:  
Hon. Commissioner for Patents  
P.O. Box 2327  
Arlington, Virginia 22202  
on April 4, 2003

Clara J. Saintil-van Goodman

Name of Person Signing Certificate

[Signature]  
Signature of Person Signing Certificate

April 4, 2003  
Date of Signature

Respectfully submitted,

[Signature]

Hassan Albakri  
(Limited Recognition)  
Agent for Applicants  
FISH & NEAVE  
Customer No. 1473  
1251 Avenue of the Americas  
New York, New York 10020-1105  
Tel.: (212) 596-9000



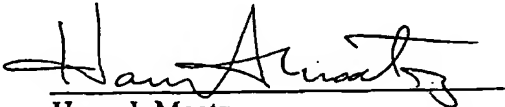
**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATE PATENT AND TRADEMARK OFFICE**

**LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)**

Hassan Albakri is hereby given limited recognition under 37 CFR § 10.9(b), as an employee of the law firm of Fish & Neave, to prepare and prosecute patent applications wherein the patent applicant is a client of the law firm of Fish & Neave, and a registered practitioner, who is a member of the law firm of Fish & Neave, is the practitioner of record in the applications. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Hassan Albakri ceases to lawfully reside in the United States, (ii) Hassan Albakri's employment with the law firm of Fish & Neave, ceases or is terminated, or (iii) Hassan Albakri ceases to remain or reside in the United States on an H-1B visa.

This document constitutes proof of such limited recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

**Expires: December 6, 2003**

  
Harry I. Moatz  
Director of Enrollment and Discipline

**RECEIVED**

**APR 10 2003**

**OFFICE OF PETITIONS**